

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-CR-198-JFH-SH

SARAH MICHELLE PRESLEY,

Defendant.

OPINION AND ORDER

Before the Court is a motion for leave to dismiss without prejudice (“Motion”) filed by the United States of America (“Government”). Dkt. No. 60. The Government requests leave to dismiss the indictment [Dkt. No. 14] without prejudice as to Defendant Sarah Michelle Presley (“Defendant”). *Id.* Defendant pled guilty to a misdemeanor information on June 29, 2022 [*see* Dkt. No. 48; Dkt. No. 54] and was sentenced by Magistrate Judge Susan E. Huntsman on October 13, 2022 [*see* Dkt. No. 58].

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of the felony charge against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s motion for leave to dismiss without prejudice [Dkt. No. 60] is GRANTED and the indictment [Dkt. No. 14] is dismissed without prejudice as to Defendant Sarah Michelle Presley.

Following the consent of Defendant to proceed before a magistrate judge on misdemeanor counts and sentencing having been held, the remaining felony count is hereby dismissed and the Clerk is directed to terminate the district judge from the case assignment. The case number is hereby changed to 20-CR-198-SH and all future pleadings should be marked accordingly.

Dated this 17th day of October 2022.

A handwritten signature in black ink, appearing to read "John F. Heil, III", is written over a horizontal line.

JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE